IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

OP.No. 23739 of 2001(A)

PETITIONERS:
---

1. V.C. VARGHESE, MANAGING PARTNER, HOTEL NAVARATNA, ALUVA

2. JOSHY JOSE, BAR MANAGER, HOTEL NAVARATNA, ALUVA\

BY ADV. SRI.JOE JOSEPH KOCHIKUNNEL
SRI.ALEX JOSE PAIKADAY

RESPONDENTS:
---

1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE EXCISE COMMISSIONER, OFFICE OF THE EXCISE COMMISSIONER, GOVT. OF KERALA, THIRUVANANTHAPURAM.

3. THE EXCISE INSPECTOR, ALUVA RANGE.

4. KERALA STATE BEVERAGES (MANUFACTURING & MARKETING) CORPORATION LTD., THIRUVANANTHAPURAM REPRESENTED BY ITS MANAGING DIRECTOR.

R4 BY ADV. SRI.K.P.DANDAPANI
R1 TO R3 BY GOVERNMENT PLEADER SMT. R. BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 38939 OF 2001 IN OP 23739 OF 2001

DISMISSED

6.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 PHOTOCOPY OF THE PUBLICATION OF BUREAU OF INDIAN STANDARD, NEW DELHI

EXT.P2 PHOTOCOPY OF THE PUBLICATION OFL BUREAU OF INDIAN STANDARD, NEW DELHI

EXT.P3 PHOTOCOPY OF THE CERTIFICATE OF THE CHEMICAL ANALYSIS REPORT DATED 31.8.1997

EXT.P4 PHOTOCOPY OF THE CRIME AND OCCURRENCE REPORT IN CR 26/97 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, ALUVA

EXT.P5 PHOTOCOPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN CMP NO. 6835 OF 2001 IN OP NO. 4135 OF 2001 DATED 12.2.2001

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 23739 OF 2001

Dated this the 6th day of March, 2007

JUDGMENT

Even though Rule 2 of the Foreign Liquor Rules is upheld by a Division Bench of this Court, judgment grants relief to the petitioner because it has been held that all actions initiated prior to 1998 stand cancelled. Accordingly, O.P. is disposed of directing respondents to grant same relief to the petitioner as granted in judgment reported in SUNIL V. STATE OF KERALA, (2006) 2 K.L.T. 851.

(C.N.RAMACHANDRAN NAIR)
Judge